

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MOLDAVIS MCCUISTON

PLAINTIFF

V.

NO. 4:20-CV-49-DMB-DAS

**ANDREW SAUL,
Commissioner of Social Security**

DEFENDANT

ORDER

On April 27, 2021, United States Magistrate Judge David A. Sanders issued a Report and Recommendation (“R&R”) in this appeal from an unfavorable decision of the Commissioner of Social Security. Doc. #21. The R&R recommends that the decision be reversed and remanded for reconsideration of the Step Three determination and to “consider whether the plaintiff has the capacity to retain any job he may obtain, despite his mental health issues.” *Id.* at 7. No objections to the R&R were filed.

“With respect to those portions of the report and recommendation to which no objections were raised, the Court need only satisfy itself that there is no plain error on the face of the record.” *Gauthier v. Union Pac. R.R. Co.*, 644 F. Supp. 2d 824, 828 (E.D. Tex. 2009) (citing *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996)). The Court has reviewed the R&R and finds no plain error on the face of the record. Accordingly, the R&R [21] is **ADOPTED** as the order of the Court. The Commissioner’s decision is **REVERSED** and this case is **REMANDED** for further consideration.

SO ORDERED, this 25th day of May, 2021.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE